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farmers' rights under the agricultural fair practices act...

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RIGHTS

The Agricultural Fair Practices Act protects farmers' rights to organize and to join cooperatives. It was enacted in April 1968 as Public Law 90-288.

The law establishes standards of fair practices for handlers and processors who deal with farmers. It prohibits them from discriminating against farmers because they are members of a producers' association.

WHAT DOES THE ACT PROVIDE?

Under the Act, it is unlawful for any handler knowingly

—to coerce any agricultural producer in the exercise of his right to join an association of producers;

—to coerce any producer in the exercise of his right to refrain from joining such an association;

—to refuse to deal with any producer because he has exercised his right to join such an association;

—to discriminate against any producer with respect to price, quantity, quality, or other terms of purchase because of his membership in such an association or his contract with it;

—to coerce or intimidate any producer to enter into, maintain, breach, cancel, or terminate a membership agreement or marketing contract with an association of producers or a contract with a handler;

—to pay or loan money, give anything of value, or offer any other inducement or reward to a producer

for refusing to or ceasing to belong to an association of producers;

—to conspire, combine, agree, or arrange with any other person to do or aid or abet the doing of any of these acts; or

—to make false reports about the finances, management, or activities of associations of producers or handlers.

WHO IS A HANDLER ?

A handler is anyone

—who acquires agricultural products from producers or their organizations;

—who grades, packs, handles, stores, or processes agricultural products that he receives from producers or their organizations;

—who contracts or who negotiates contracts with or for producers or their associations regarding production or marketing of agricultural products; or

—who acts as an agent or broker for anyone involved in these activities.

The term “agricultural products” does not include cotton or tobacco or their products.

WHAT CAN A FARMER DO IF HIS RIGHTS ARE VIOLATED ?

1. He can ask a Federal district court to restrain the handler. If he is successful in this suit, the court may order the handler to stop the practices. And it may allow the farmer the cost of his suit, including a reasonable attorney's fee.

2. He can complain to the Secretary of Agriculture. If the Secretary finds that a handler has violated the law, he may ask the Attorney General to go into Federal district court in his behalf to stop the handler from such unlawful practices.

3. He can sue in Federal district court to recover damages. Suit must be brought within two years after the violations occurred.

HOW DOES A FARMER FILE HIS COMPLAINT WITH USDA ?

He should write directly to the Administrator, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

His complaint should give the handler's name and address, tell when the violation occurred, and what he believes the handler has done that violates the law.

For example, has the handler coerced the farmer because he is a co-op member? Refused to deal with him or discriminated against him because he used his cooperative? Intimidated him because of his membership in a producer's association?

The farmer should give enough detail so that USDA can investigate the complaint.

Results of the investigation are kept confidential.

All persons have equal rights to all services of USDA's Agricultural Marketing Service. If you feel you have been denied the benefits of this program because of race, color or national origin, write directly to: The Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C. 20250.